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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,085	12/30/2003	Jacob H. Morelissen	25355A	7960

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OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,085

Applicant(s)

MORELISSEN ET AL.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13-24 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13, 14, 16-24, 28, 29, 31, 32 is/are rejected.
- 7) ☒ Claim(s) 15 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-9,13,14,16-19,21-24,28,29,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,499,262 to PINCHOT et al. in view of US Patent #5,644,872 to PERDUE.

In reference to claim 1, PINCHOT et al. discloses a ceiling panel (12) having a main frame (17), at least two crossing members (57), and a veil facing material (18) adhered to the main frame (17), column 4, lines 57-60. PINCHOT et al. discloses the basic claimed ceiling panel except for specifically forming the ceiling panel facing from a glass fiber material. PERDUE teaches that it is known in the art to form a ceiling panel having a glass fibrous fabric facing (14). Hence it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the panel of PINCHOT et al. with the glass fibrous facing material of PERDUE in order to create a ceiling panel that is not only pleasantly appealing, but that is also porous and that also has sound dampening properties and that is not flammable. Further, the applicant has disclosed and claimed the material of his facing as being made from several different materials such as veil, textile, fabric, polymeric film, foils, etc. Thus, the applicant has

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shown no criticality for the selection of one material over the other. Hence, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to select a known material on the basis of its suitability for the use intended as an obvious matter of design choice. In reference to claim 2, the main frame (17) and crossing members (57), once joined together are one-piece. The applicant is reminded that in apparatus claims, it is the final product that is given patentable weight.

Regarding claims 3,6,7 the main frame (17) and the crossing members (57) are extruded, flame retardant, polyvinyl-chloride plastic, column 2, lines 47-51. In reference to claims 4,8,9, the applicant has shown no criticality in the type of material used to form the frame and crossing members, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice. Regarding claim 5, the method of forming a device is not germane to the issue of patentability of the device itself. In reference to claim 13, the facing material (18) is adhered to the main frame (17) by an adhesive, column 4, lines 57-60. Regarding claim 14, the main frame (17) is square. In reference to claim 16, PINCHOT et al. discloses the method of making a ceiling panel (12) including the steps of providing a main frame (17), providing first and second crossing members (57), providing a facing material (18), affixing the facing member (18) to the main frame (17) and the crossing members (57). Regarding claims 17 and 20, the applicant details the main frame and crossing members are one piece, but also details the main frame and crossing members as being welded together. Thus, the applicant has shown no criticality in how the main frame and the crossing members

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are attached, and as such, any suitable manner of forming the main frame and the crossing members would be suitable for the use intended as an obvious matter of design choice. In reference to claims 18,21,22 the main frame (17) and the crossing members (57) are extruded, flame retardant, polyvinyl-chloride plastic, column 2, lines 47-51. In reference to claims 19,23,24, the applicant has shown no criticality in the type of material used to form the frame and crossing members, thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known material suitable for the use intended as an obvious matter of design choice. In reference to claim 28, the facing material (18) is adhered to the main frame (17) by an adhesive, column 4, lines 57-60. Regarding claim 29, the main frame (17) is square. In reference to claims 31 and 32, the facing (18) underlies and is provided to underlie the main frame (17).

Allowable Subject Matter

Claims 15 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YMH
11/21/06